

Application Serial No: 09/932,735

REMARKS

This Response is in response to the Office Action dated February 15, 2006. In the Office Action, claims 1-32 were rejected under 35 USC §103. Currently pending claims 1-32 are believed allowable, with claims 1, 7, 11, 14, 18 and 21 being independent claims.

CLAIM REJECTIONS UNDER 35 USC §103:

Claims 1-32 were rejected under 35 USC §103 as being obvious over U.S. Patent Application Publication US2002/0007317A1 to Callaghan et al. ("Callaghan") in view of U.S. Patent 5,796,952 to Davis et al. ("Davis") and U.S. Patent Application Publication US2002/0023159A1 to Vange et al. ("Vange"). A *prima facie* case for obviousness can only be made if the combined reference documents teach or suggest all the claim limitations. MPEP 2143.

Claim 1:

Claim 1 recites, in part, "the first web server directing a client to access a resource at the second Web-Server." App., claim 1 (emphasis added). In rejecting claim 1, the Examiner alleges Callaghan discloses this limitation on page 4, paragraphs 66 to 68. The Applicants respectfully disagree with such a conclusion.

Paragraphs 65 to 68 (Paragraph 65 contains context information for Paragraphs 66 through 68) of Callaghan recite,

At 408, the proxy server sends a response to the browser, which includes a response code of 302 Moved Temporarily (also referred to as a temporary redirection response code). The response code of 302 indicates to the browser that the URL that it previously requested has temporarily moved to the location specified in "Location: . . . ". In the example of FIG. 4, the new location is "http://stored.cookie.com/?set_cookie_state=s- tatel&real_url=. . . ". The previously requested URL is saved in the "real_url=. . . " parameter of the "Location:" mime data.

The Moved Temporarily response code causes the browser to reissue request 410 for the new location. The proxy server receives the new request and determines by the "set_cookie_" parameter of the URL that this request is one for which cookies should be returned. It also determines that the request needs to be redirected to the URL specified by the "real_url=. . . " parameter.

Thus, the proxy server sends another 302 Moved Temporarily response 412 to the browser. This response includes, in the "Location: . . . " mime data, the URL of the original request, as specified by real_url (not

Application Serial No: 09/932,735

shown). It also associates the cookie "state=statel" with the domain "stored.cookie.com", which is the host name of the server specified in request 410. Thereafter, the original request 414 is resubmitted.

By using the above technique, the proxy server can set a cookie for a fixed location, e.g., stored.cookie.com. The domain stored.cookie.com is thus, associated with statel. Callaghan, par. 65-68 (emphasis added).

The above passage is offered by the Examiner as teaching the "first web server directing a client to access a resource at the second Web-Server" in relation to user information coordination across multiple domains. The Applicants respectfully submit that the cited passage contains no mention or teaching of a first web server directing a client to a second web server.

The redirections discussed in the cited passage are performed by a proxy server. In the cited work, the proxy server is distinct from both the first web server and the second web server. The following passage clarifies this fact: "Intermediary application 110 is further coupled, via HTTP, to server applications 112, such as World Wide Web servers, on computer systems 104." Callaghan, par. 46 (emphasis added). It is noted that in Callaghan's terminology, a proxy server is a specific type of intermediary application. The coupling of two entities, in this case the intermediary application and the server application, directly contradicts the idea that they may be the same entity.

Further clarifying Callaghan's intent is the fact that the HTTP protocol is generally used by those skilled in the art to couple physically distinct systems. This is the case because more efficient methods exist to couple distinct software subsystems coexisting on the same computer system. Because the redirections are performed by an intermediary application (the proxy server of Callaghan), and because that intermediary application is distinct from the first web server, the cited work does not teach a first web server directing a client. It is therefore respectfully submitted that Callaghan does not teach or suggest a first web server that directs a client to access a resource at a second web server, as recited in claim 1.

Claim 1 further recites, in part, "wherein the first web server uses a first user tracking mechanism to collect client information and stores the client information as a client record in a database." App., claim 1 (emphasis added). In rejecting claim 1, the Examiner alleges that Callaghan

Application Serial No: 09/932,735

discloses this limitation on page 3, paragraph 43; page 4, paragraph 53; and page 8, paragraph 117. The Applicants respectfully disagree with such a conclusion.

Paragraph 43 of Callaghan recites,

In accordance with the principles of the present invention, a cross-domain sharing capability is provided in which state information is shared across domains, which are non-cooperating. That is, the domains have no knowledge of one another and do not directly communicate state information between one another. In one embodiment, state information associated with one or more domains is stored in at least one cookie, and that at least one cookie is then forwarded to one or more other domains. As used herein, state information includes any information that is saved for later use. Callaghan, par. 43 (emphasis added.)

The cited passage teaches that the state information associated with one or more domains is stored. It does not, however, teach or suggest that this storage is effected by the first web server. In fact, the cited work teaches that the state information is stored by an intermediary application, such as a proxy server. It has been demonstrated that in Callaghan, the intermediary application is distinct from the first web server.

Furthermore, this paragraph contradicts another section of claim 1, which recites, in part, "the first web server directing a client to access a resource at the second Web-Server" App., claim 1. Thus, claim 1 specifies that the first web server must be aware of and must cooperate with the second web server, as this is a prerequisite for creating a link thereto. This directly contradicts the cited passage, which specifically teaches that the first web server does not cooperate with the second web server.

Turning now to Paragraph 53 of Callaghan, which recites:

Although the request is ultimately for server "www.ibm.com", the request is received by proxy server 202, as shown in FIG. 2 (i.e., the arrow at 208 stops at the proxy server). At the proxy server, a determination is made as to whether there is state information associated with this particular URL, "http://www.ibm.com/pgm3.exe". In order to make this determination, the proxy server uses a state table maintained by the proxy server. The state table includes the URL (e.g., http://www.ibm.com/pgm3.exe), or at least a part of it, and the state (e.g., statel). When the proxy server receives a request, it searches the state table to determine if the URL of the request matches a URL within the state table. If such a match exists, as in this example, then there is state information associated with that URL. Callaghan, par. 53 (emphasis added.)

Application Serial No: 09/932,735

The cited passage teaches specifically that the state information is maintained by the proxy server (the intermediary application of Callaghan.) Again, in Callaghan, the intermediary application is distinct from the first web server. This teaching is fundamentally incompatible with claim 1, an element of which is that the first web server effects the storage of user information.

Turning now to Paragraph 117 of Callaghan, which recites:

Additionally, at least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform the capabilities of the present invention can be provided. Callaghan, par. 117.

The cited passage does not teach or suggest a first web server managing user information. It is therefore respectfully submitted that Callaghan does not teach or suggest a first web server that stores user information.

Additionally, in rejecting claim 1, the Examiner concedes that Callaghan does not explicitly disclose storage in a database. The examiner however states that Davis demonstrates a method in which multiple locations can save information directly to a database. The examiner further alleges that the combination of Callaghan and Davis is obvious and that one skilled in the art would be motivated to combine the two works. The Applicants respectfully disagree with such a conclusion.

The examiner alleges that "[o]ne of ordinary skill in the art at the time of the applicant's invention would have found it obvious to utilize a database when storing client information." The conclusion that the use of a database is *prima facie* obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Rejections based on § 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the

Application Serial No: 09/932,735

rejection. See *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968).

Furthermore, the existence of techniques other than use of a database for storing client information is inconsistent with the conclusion that the use of a database is *prima facie* obvious. The cookie specification is designed to store client information on the client instead of on the server. "An HTTP cookie, or a Web cookie, is a parcel of text sent by a server to a web browser and then sent back unchanged by the browser each time it accesses that server." See http://en.wikipedia.org/wiki/HTTP_cookie. The cookie is thus clearly capable of storing the actual client information without being coupled with a database. It is further noted that most web browsers known in the art store persistent cookies in a text file format. These files are customarily read into random access memory as a whole, rather than being queried in any manner characteristic of database systems known in the art. When a cookie does not need to persist, it may also be stored directly in a data structure in random access memory. Even when client information is stored on the server, methods other than storage in a database are commonly used in the art. One such technique is to store client information in random access memory on the server. Another such technique is to store the client information on a file system without using a database. For example, PHP, a platform and programming language widely used by those skilled in the art to develop web-based applications, typically stores user information in files on disk. As with cookie files, these files are generally read into random access memory as a whole, rather than being queried in any manner characteristic of database systems known in the art. There is no inherent limit on the length of time for which such files may persist.

The examiner further alleges that "[o]ne would have been motivated to utilize database because, as is known in the art, databases are widely used for storing mass amounts of different types of information" (emphasis added). This argument is irrelevant to the present invention because the amount of user information required in a web-based application is usually minimal. One contemplated usage of the present invention is to facilitate a single sign-on capability. The most common technique in the art for authentication is to transmit a username and a password for verification. Two data elements hardly constitute a "mass amount" of information. Another contemplated usage of the present invention is to facilitate online shopping by storing the

Application Serial No: 09/932,735

items a user has selected for purchase. Most shopping situations require only a unique identifier for the selected item and the quantity selected to be stored. Two data elements per item in the shopping cart hardly constitute a "mass amount" of information.

Finally, in rejecting claim 1, the Examiner concedes that Callaghan does not explicitly disclose encapsulating and decapsulating a link in a database. The examiner however states that Vange demonstrates a method in which multiple locations can save information directly to a database. The examiner further alleges that the combination of Callaghan and Vange is obvious and that one skilled in the art would be motivated to combine the two works. The Applicant respectfully disagrees with such a conclusion.

The examiner states that "[i]n view of Callaghan and Davis, it would have been obvious for this parameter to include information pertaining to the client including client state information stored in the database. One of ordinary skill in the art at the time of the applicant's invention would have found it useful to modify the invention as disclosed by Callaghan and Vange, the database storage of client information method, with the parameter sharing as disclosed by Vange in order to be able to share client record information that is stored in a database accurately and securely."

The Examiner has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to reconstruct Callaghan to use the parameter sharing method as disclosed by Vange. In this regard, neither Callaghan nor Vange express any appreciation of advantages attributed in the Applicant's specification benefit for tracking information across different domains without changing the domain's preexisting tracking mechanisms. In this light, it is apparent that the only suggestion for combining Callaghan and Vange in the manner advanced by the Examiner stems from hindsight knowledge impermissibly derived from the Appellant's disclosure.

Additionally, the previously cited reasons why it is not obvious to combine the present invention with a database apply equally to combining the present invention with a parameter sharing method. Because it is not obvious to use Callaghan to coordinate any data except for the user information itself, it is as equally non-obvious to use Callaghan to coordinate a parameter as it is to coordinate a pointer to information in a database.

Application Serial No: 09/932,735

The examiner further states that "[o]ne of ordinary skill in the art would have been motivated to make such a combination for the reasons stated above." It follows that the reasons why the combination of Callaghan and Vange is not obvious apply equally to why one of ordinary skill in the art would not be motivated to combine Callaghan and Vange.

For at least the reasons discussed above, the Applicants respectfully assert that the Office Action has not established a *prima facie* case of obviousness for claim 1. As such, the rejection of claim 1 should be withdrawn. Moreover, the Applicants believe that claim 1 is patentable over the cited documents and earnestly request an indication of allowability for claim 1.

Claims 2, 3, 12, 15, 23 and 24:

Claims 2, 3, 12, 15, 23 and 24 are dependent on and further limit claim 1. Since claim 1 is believed allowable, claims 2-6, 12, 15, 23 and 24 are also believed allowable for at least the same reasons as claim 1.

Claim 4:

In rejecting claim 4, the Examiner alleges that Callaghan discloses the limitations on page 1, paragraphs 4 and 5. The Applicants respectfully disagree with such a conclusion.

Paragraphs 4 and 5 of Callaghan recite,

As described by Netscape, cookies are a general mechanism used by server side connections (such as CGI scripts) to both store and retrieve information on the client side of the connection. A server, when returning an HTTP object to a client, may also send a piece of state information which the client will store. Included in that state object is a description of the range of Uniform Resource Locators (URLs) for which that state is valid. Any future HTTP requests made by the client which fall in that range will include a transmittal of the current value of the state object from the client back to the server. The state object is called a cookie, for no compelling reason.

This mechanism provides a powerful tool which enables a host of new types of applications to be written for web-based environments. A common example of an application that uses cookies is a "virtual shopping mall". As a user browses through a store of an on-line shopping mall and decides to purchase certain items, those items are added to the user's "shopping cart". Specifically, a list of the chosen items is kept in the browser's cookie file (i.e., the "shopping cart"), so that all of the items can be paid for when shopping within that particular store is complete. Callaghan, par. 4-5 (emphasis added):

Application Serial No: 09/932,735

The above passage is offered by the Examiner as teaching that a "first web server stores within the client record at least one parameter which determines at least one characteristic of at least one page to be sent to the client by the second web server." App., claim 4. The cited passage discusses the original cookie specification by Netscape Communications Corporation. An inherent feature of the original specification is the limitation of a cookie to, at most, a single domain. The cited work mentions this limitation, stating that "[o]nly hosts within the specified domain can set a cookie for a domain" Callaghan, par. 9.

However, claim 4 is concerned with maintaining user information across multiple domains, reciting, "A method as recited in 1, wherein the first web server stores within the client record at least one parameter which determines at least one characteristic of at least one page to be sent to the client by the second web server." It is therefore respectfully submitted that the original Netscape specification discussed by the cited passage cannot teach or suggest managing user information determining at least one characteristic of at least one page across multiple domains.

Additionally, claim 4 is dependent on and further limits claim 1. Since claim 1 is believed allowable, claim 4 is also believed allowable for the reason just discussed and at least the same reasons as claim 1.

Claims 5-6:

Claim 5 is dependent on and further limits claim 4. Claim 6 is dependent on and further limits claim 5. Since claim 4 is believed allowable, claims 5 and 6 are also believed allowable for at least the same reasons as claim 4.

Claim 7:

Claim 7 recites, in part, "storing a client record in a database by the first web server" App., claim 7 (emphasis added). In rejecting claim 7, the Examiner alleges Callaghan discloses this limitation on page 3, paragraph 43; page 4, paragraph 53; and page 8, paragraph 117. These allegations are substantially similar to those raised in rejecting claim 1. Thus, the Applicants respectfully disagree with such a conclusion on the same grounds as in claim 1.

Application Serial No: 09/932,735

Additionally, in rejecting claim 7, the Examiner concedes that Callaghan does not explicitly disclose storage in a database. The Examiner however states that Davis demonstrates a method in which multiple locations can save information directly to a database. The Examiner further alleges that the combination of Callaghan and Davis is obvious and that one skilled in the art would be motivated to combine the two works. These allegations are substantially similar to those raised in rejecting claim 1. Thus, the Applicant respectfully disagrees with such a conclusion on the same grounds as in claim 1.

An additional element of claim 7 is "creating a link to the second web server that encapsulates information about a location of the client record in the database" App., claim 7. In rejecting claim 7, the Examiner concedes that Callaghan does not explicitly disclose encapsulating and decapsulating a link in a database. The Examiner however states that Vange demonstrates a method in which multiple locations can save information directly to a database. The Examiner further alleges that the combination of Callaghan and Vange is obvious and that one skilled in the art would be motivated to combine the two works. These allegations are substantially similar to those raised in rejecting claim 1. Thus, the Applicants respectfully disagree with such a conclusion on the same grounds as in claim 1.

For at least the reasons discussed above, the Applicants respectfully assert that the Office Action has not established a *prima facie* case of obviousness for claim 7. As such, the rejection of claim 7 should be withdrawn. Moreover, the Applicants believe that claim 7 is patentable over the cited documents and earnestly request an indication of allowability for claim 7.

Claims 8-10, 13, 16, 25 and 26:

Claims 8-10, 13, 16, 25 and 26 are dependent on and further limit claim 7. Since claim 7 is believed allowable, claims 8-10, 13, 16, 25 and 26 are also believed allowable for at least the same reasons as claim 7.

Claim 11:

The examiner alleges that Claim 11 is obvious for the same reasons as provided for claim 1. Therefore, for at least the reasons discussed above concerning claim 1, the Applicants respectfully assert that the Office Action

Application Serial No: 09/932,735

has not established a *prima facie* case of obviousness for claim 11. As such, the rejection of claim 11 should be withdrawn. Moreover, the Applicants believe that claim 11 is patentable over the cited documents and earnestly request an indication of allowability for claim 11.

Claims 17, 27 and 28:

Claim 17, 27 and 28 are dependent on and further limit claim 11. Since claim 11 is believed allowable, 17, 27 and 28 are also believed allowable for at least the same reasons as claim 11.

Claim 14:

The examiner alleges that Claim 14 is obvious for the same reasons as provided for Claim 1. Therefore, for at least the reasons discussed above concerning Claim 1, the Applicants respectfully assert that the Office Action has not established a *prima facie* case of obviousness for claim 14. As such, the rejection of claim 14 should be withdrawn. Moreover, the Applicants believe that claim 14 is patentable over the cited documents and earnestly request an indication of allowability for claim 14.

Claims 29 and 30:

Claims 29 and 30 are dependent on and further limit claim 14. Since claim 14 is believed allowable, claims 29 and 30 are also believed allowable for at least the same reasons as claim 14.

Claim 18:

Claim 18 recites, in part, "storing a client record in a database by the first web server" App., claim 18 (emphasis added). In rejecting claim 18, the Examiner alleges Callaghan discloses this limitation on page 3, paragraph 43; page 4, paragraph 53; and page 8, paragraph 117. The Applicants respectfully disagree with such a conclusion. This allegation is substantially similar to that raised in rejecting claim 1. Thus, the Applicants respectfully disagree with such a conclusion on the same grounds as in claim 1.

An additional element of Claim 18 is "creating a link to the second web server that encapsulates information about a location of the client record in the database" App., claim 18. In rejecting claim 18, the Examiner concedes that Callaghan does not explicitly disclose encapsulating and decapsulating a

Application Serial No: 09/932,735

link in a database. The Examiner however states that Vange demonstrates a method in which multiple locations can save information directly to a database. The Examiner further alleges that the combination of Callaghan and Vange is obvious and that one skilled in the art would be motivated to combine the two works. These allegations are substantially similar to those raised in rejecting claim 1. Thus, the Applicants respectfully disagree with such a conclusion on the same grounds as in claim 1.

For at least the reasons discussed above, the Applicants respectfully assert that the Office Action has not established a *prima facie* case of obviousness for claim 18. As such, the rejection of claim 18 should be withdrawn. Moreover, the Applicants believe that claim 18 is patentable over the cited documents and earnestly request an indication of allowability for claim 18.

Claims 19, 20 and 31:

Claims 19, 20 and 31 are dependent on and further limit claim 18. Since claim 18 is believed allowable, claims 19, 20 and 31 are also believed allowable for at least the same reasons as claim 18.

Claim 21:

The Examiner alleges that Claim 21 is obvious for the same reasons as provided for claim 1. Therefore, for at least the reasons discussed above concerning claim 1, the Applicant respectfully asserts that the Office Action has not established a *prima facie* case of obviousness for claim 21. As such, the rejection of claim 21 should be withdrawn. Moreover, the Applicants believe that claim 21 is patentable over the cited documents and earnestly request an indication of allowability for claim 21.

Claims 22 and 32:

Claims 22 and 32 are dependent on and further limit claim 21. Since claim 21 is believed allowable, claims 22 and 32 are also believed allowable for at least the same reasons as claim 21.

CONCLUSION

It is respectfully submitted that this case is in condition for allowance and such action is respectfully requested. If any points remain at

Application Serial No: 09/932,735

issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Response, however, should such a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,



Ido Tuchman, Reg. No. 45,924
69-60 108th Street, Ste. 503
Forest Hills, NY 11375
Telephone (718) 544-1110
Facsimile (718) 544-8588

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